

**REQUIRED STATEMENT TO ACCOMPANY
ALL MOTIONS TO MODIFY STAY**

All Cases: Debtor(s) Francis O. Beniana and Rita Beniana Case No. 18-04655 Chapter 7

All Cases: Name of Moving Creditor Toyota Motor Credit Corporation Date Case Filed 2/21/18

Nature of Relief Sought: Lift Stay Annul Stay Other (describe) _____

Chapter 13: Date of Confirmation Hearing _____ or Date Plan Confirmed _____

Chapter 7: No-Asset Report Filed on _____
 X No-Asset Report not Filed, Date of Creditors Meeting 3/22/2018

1. Collateral
 - a. Home _____
 - b. X Car Year, Make and Model 2015 Toyota RAV4
 - c. Other _____
2. Balance Owed as of Petition Date \$14,774.72 as of 3/14/2018
Total of all other Liens against Collateral \$ _____
3. In Chapter 13 cases, if a post-petition default is asserted in the motion, attach a payment history listing the amounts and dates of all payments received from the debtor(s) post-petition.
4. Estimated Value of Collateral \$ 14,575.00
5. Default
 - a. X Pre-Petition Default
Number of months 5 Amount \$2,059.99
 - b. Post-Petition Default
 - i. On direct payments to the moving creditor
Number of months _____ Amount \$ _____
 - ii. On payments to the Standing Chapter 13 Trustee
Number of months _____ Amount \$ _____
6. Other Allegations
 - a. Lack of Adequate Protection § 362 (d)(1)
 - i. No insurance
 - ii. Taxes unpaid Amount \$ _____
 - iii. Rapidly depreciating asset _____
 - iv. Other _____
 - b. X No Equity and not Necessary for an Effective Reorganization § 362 (d)(2)
 - c. Other “Cause” § 362 (d)(1)
 - i. Bad Faith (describe) _____
 - ii. Multiple filings _____
 - iii. Other (describe) _____
 - d. Debtor’s Statement of Intention regarding the Collateral
 - i. X Reaffirm
 - ii. Redeem
 - iii. Surrender
 - iv. No Statement of Intention Filed

Date: 3/15/2018 _____ /s/ Terri M. Long
Counsel for Movant